

### **REMARKS/ARGUMENTS**

The Office Action mailed November 8, 2010, has been carefully reviewed and these remarks are responsive to that Office Action. Upon entry of this response, claims 1-31 remain pending in this Application. Claims 15 and 28 have been amended. No new matter has been added to the amended claims. Reconsideration and allowance of this Application are respectfully requested. The Examiner is requested to call the undersigned by phone if it is felt that this response does not place the Application in condition for allowance.

#### **Claim Objections**

Claim 28 is objected to because of the following informalities: claim 28 recites a limitation “the device communicates with a conditional.” The Office Action suggests that it refers to “the device communicates with a conditional access unit.” Claim 28 has been amended as suggested by the Office Action; therefore, reconsideration and allowance are respectfully requested.

#### **Rejection under 35 U.S.C. § 103**

Claims 1, 4-8, 11-15 and 18-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chapman (US Patent No. 7324515), hereinafter referred to as Chapman ‘515, in view of Shahar (US Patent No. 7359434), hereinafter referred to as Shahar.

Independent claim 1 recites, among other things:

wherein each DCD message identifies at least a portion of the network addresses associated with the one or more tunnels provided by the information distribution system and includes a listing of tunnel types and a listing of tunnel type identifiers for differentiating between different tunnels identified with a same tunnel type.

None of the references of record disclose or suggest at least this feature of claim 1. The Office Action on page 4 admits that Chapman ‘515 does not disclose or suggest this feature of claim 1. (See Office Action, page 4, “Chapman ‘515 does not expressly teach that the information distribution system is configured to output downstream channel descriptor (DCD) messages over a network over downstream channels, wherein each DCD message identifies at least a portion of the network addresses associated with the one or more tunnels provided by the

information distribution system and includes a listing of tunnel types and a listing of tunnel type identifiers for differentiating between different tunnels identified with a same tunnel type.”) However, on pages 4 and 5, the Office Action alleges that Shahar describes this feature of claim 1.

Shahar describes a “system and method for communication between a wireless modem and wireless hub on a selected downstream channel of a plurality of downstream channels.” (See Shahar, Abstract.) In Shahar, a wireless communication scheme between multiple modems and a hub is presented. The wireless modems and the hub communicate on both downstream and upstream channels. Shahar further mentions that all downstream channels include a downstream channel descriptor (DCD) message. (See Shahar, column 6, ll. 45-47.) However, the DCD message of Shahar is not equivalent to the DCD message of claim 1. The DCD message of Shahar includes the following information: “(1) IF frequency; (2) RF Frequency; (3) Modulation type; (4) Symbol rate; (5) bandwidth; (6) roll off factor; (7) FEC Scheme; (8) Criteria for switching to another downstream channel; (9) priority information to select a downstream channel for communication for a newly initializing modem; and (10) priority information when switching to a new downstream channel for a modem already in communication with wireless hub.” (See Shahar, column 6, ll. 54-62.) None of these features are equivalent to a DCD message that “identifies at least a portion of the network addresses associated with the one or more tunnels provided by the information distribution system and includes a listing of tunnel types and a listing of tunnel type identifiers for differentiating between different tunnels identified with a same tunnel type,” as claimed. In particular, none of the components of a DCD message as discussed in Shahar relate to “network addresses associated with the one or more tunnels,” “a listing of tunnel types,” or “a listing of tunnel type identifiers for differentiating between different tunnels identified with a same tunnel type,” as claimed.

None of the other references of record (Chapman '515, Chapman '430) overcome the deficiencies of Shahar discussed above. Hence, Applicants respectfully submit that claim 1 is in condition for allowance. Claims 4-7 depend from claim 1 and are distinguishable for at least the same reasons as claim 1, and further in view of the various features recited therein. Independent claims 8, 15, and 26 recite features similar to those of claim 1 discussed above. Hence, for reasons similar to those given above for claim 1, Applicants respectfully submit that independent

claims 8, 15, and 26 distinguish over the references of record and are in condition for allowance. Claims 11-14, 18-25, and 27-31 depend from one of these independent claims and are distinguishable for at least the same reasons as the independent claim from which they depend, and further in view of the various features recited therein.

Claims 2, 3, 9, 10, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman '515 in view of Shahar and Chapman (US Patent No. 7349430), hereinafter referred to as Chapman '430. Chapman '430 and Chapman '515 do not overcome the deficiencies of Shahar discussed above. Claims 2, 3, 9, 10, 16, and 17 depend from independent claim 1, 8, or 15, and are distinguishable for at least the same reasons as the independent claim from which they depend, and further in view of the various features recited therein.

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

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